

**STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES**

**AIR RESOURCES DIVISION**

**CHAPTER Env-A 700 PERMIT FEE SYSTEM**

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Statutory Authority: RSA 125-C:12, IV

**PART Env-A 701 PURPOSE AND APPLICABILITY**

Env-A 701.01 Purpose. The purpose of these rules is to establish a fee system requiring the payment of fees to cover the reasonable costs of reviewing and acting upon the application or renewal of a temporary permit or a permit to operate and the costs of implementing and enforcing the terms and conditions of the permit.

Env-A 701.02 Applicability. All devices that require permits under the statewide permit system in Env-A 603 shall be subject to the fees in this chapter.

**PART Env-A 702 BASIS FOR ALL FEE DETERMINATIONS**

Env-A 702.01 Fee Determination.

(a) Permit review, filing, and extension fees shall be based on the time spent on the permit review, processing, and work performed by the division staff at an hourly rate. This rate shall be based upon and include, but not be limited to, the division staff's salaries and benefits costs, current operating expenses, travel, and public notification costs.

(b) Permit implementation and enforcement fees, excluding court costs, shall include the following actual expenses incurred by the division on a case-by-case basis:

(1) Staff time witnessing, conducting, or evaluating a required emission test, a continuous emission monitor certification test, a continuous emission monitor audit, or ambient air quality monitoring at an hourly rate based on the division staff's salaries and benefits costs, and current operating costs;

(2) Travel related to Env-A 702.01 (b) (1) based on cost per mile;

(3) Lodging and meals related to Env-A 702.01 (b) (1) complying with state requirements;

(4) Specialty equipment and consumable supplies purchased specifically for the required testing, auditing, or monitoring which cannot be reused.

**PART Env-A 703     PERMIT REVIEW FEES FOR NEW OR MODIFIED DEVICES**

Env-A 703.01 Permit Filing Fees.

(a) Filing fees for large fuel burning devices shall be as follows:

(1) A filing fee of \$3,000 shall accompany the submittal of each application to the division for a temporary permit for a fuel burning device with gross heat input capacity greater than or equal to 150 million BTU/hr.

(2) This fee shall not be refundable.

(b) Filing fees for all other devices shall be as follows:

(1) A filing fee of \$900 shall accompany the submittal of each application to the division for a temporary permit for any device except as specified in Env-A 703.01 (a).

(2) This fee shall not be refundable.

Env-A 703.02 Permit Review Fees For All Devices. The director shall determine the cost of reviewing a permit application on a case-by-case basis according to the criteria in Env-A 702.01(a). If the cost so determined is less than or equal to the permit filing fee, there shall not be a permit review fee. If such cost is greater than the permit filing fee, the difference shall be paid to the division by the owner or operator prior to the issuance of a temporary permit.

Env-A 703.03 Permit Extension Fees.

(a) Prior to the issuance of an extension of the expiration date of a temporary permit or permit to operate for a fuel burning device with a gross heat input capacity greater than or equal to 150 million BTU/hr., the owner or operator shall pay to the division an extension fee of \$1,500 per device.

(b) Prior to the issuance of an extension of the expiration date of a temporary permit or permit to operate for any device except as specified in Env-A 703.03 (a), the owner or

operator shall pay to the division an extension fee of \$450 per device.

Env-A 703.04 Billing For Permit Review Fees. The division shall bill the owner or operator of a device for the permit review fee prior to the issuance or extension of a temporary permit or a permit to operate.

Env-A 703.05 Permit Review Fee Payment. Prior to the issuance of a temporary permit, the owner or operator of a device shall pay to the division the permit review fee. If the fee payment is not received by the division, the temporary permit shall not be issued.

Env-A 703.06 Permit Extension Fee Payment. Prior to the issuance of an extension of the expiration date of a temporary permit or permit to operate, the owner or operator of a device shall pay to the division the permit extension fee. If the fee payment is not received by the division, the owner or operator shall not be issued an extension of the expiration date of a temporary permit or permit to operate.

Env-A 703.07 Determination of Testing and Monitoring Fees and Fee Payment. If the director requires, in accordance with Env-A 600 or Env-A 800, that an emission test, a continuous emission monitor certification test, a continuous emission monitor audit, or ambient air quality monitoring be conducted under the procedures of Env-A 800, the fees shall be determined by the director on a case-by-case basis according to the criteria in Env-A 702. The owner or operator of a device shall not be issued a temporary permit or permit to operate or an extension of the expiration date of a temporary permit or permit to operate, until the testing or monitoring fees have been received by the division.

#### **PART Env-A 704     ADDITIONAL PERMIT REVIEW FEES**

Env-A 704.01 Types of Additional Review. The 4 types of additional review shall be as follows:

- (a) NESHAPS, National Emission Standards for Hazardous Air Pollutants, 40 CFR 61 Review;
- (b) NSPS, New Source Performance Standards, 40 CFR 60 Review;
- (c) PSD, Prevention of Significant Deterioration, 40 CFR 51.24 Review; and.
- (d) NA, Non-Attainment, PART Env-A 610 Review

Env-A 704.02 Determination of Additional Review Fees. When the division performs one or more required additional reviews, the additional review fees shall be determined by the division on a case-by-case basis according to the criteria established in Env-A 702.

Env-A 704.03 Billing for Additional Review Fees. The division shall bill the owner or operator of a device for the additional review fees prior to the issuance of a permit in accordance with the following:

- (a) For temporary permits, an owner or operator of a device for which a temporary permit is to be issued shall be billed by the division prior to issuance of that temporary permit.
- (b) For permits to operate, an owner or operator of a device with a permit to operate shall be billed by the division 60 days prior to the established expiration date set forth in Env-A 612.

Env-A 704.04 Additional Review Fee Payment.

- (a) The owner or operator of a device shall pay to the division the additional review fees prior to the issuance of a permit.
- (b) In the case of a new or modified device, a temporary permit shall not be issued if the fee payment is not received by the division.
- (c) In the case of the renewal of a permit to operate, the permit shall expire if the fee payment is not received by the division on or before the division established renewal date set forth in Env-A 612.
- (d) The construction or operation of a device without a permit shall subject the owner or operator to the procedures of Env-A 200 and the penalties of RSA 125-C:17.

## **PART Env-A 705     RENEWAL FEES FOR PERMITS TO OPERATE**

Env-A 705.01 Renewal Review Fee For Large Fuel Burning Devices. On or before the permit renewal date set forth in Env-A 612, the owner or operator of a fuel burning device with a gross heat input capacity greater than or equal to 150 million BTU/hr. shall pay to the division a renewal review fee of \$3,000 per device.

Env-A 705.02 Renewal Review Fee for All Other Devices. On or before the permit renewal date set forth in Env-A 612, the owner or operator of any device except as specified in Env-A 705.01 shall pay to the division a renewal review fee of \$900 per device.

Env-A.705.03 Determination of Testing and Monitoring Fees. If the division requires, prior to the renewal of an operating permit, that an emission test or ambient air quality monitoring be conducted under the procedures of Env-A 800, the fee shall be determined

by the division on a case-by-case basis according to the criteria in Env-A 702.

Env-A 705.04 Billing For Permit Renewal Review Fees. The division shall bill the owner or operator of a device for the renewal review fee and the testing and monitoring fees 60 days prior to the established renewal date for the device set forth in Env-A 612.

Env-A 705.05 Permit Renewal Review Fee Payment. If payment for the renewal fee and the testing and monitoring fees is not received by the division on or before the established renewal date set forth in Env-A 612, the permit shall expire and the owner or operator of a device shall be subject to the procedures of Env-A 200 and the penalties of RSA 125-C:17.